

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

ANGELA ELLISON

Plaintiff,

vs.

ALLSTATE FIRE AND
CASUALTY INSURANCE COMPANY

Defendant.

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CIVIL ACTION NO.

(JURY)

**DEFENDANT ALLSTATE FIRE AND CASUALTY INSURANCE COMPANY'S
NOTICE OF REMOVAL AND DEMAND FOR JURY TRIAL**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Defendant Allstate Fire and Casualty Insurance Company ("Allstate") files this Notice of Removal and Demand for Jury Trial of Cause Number 048-295648-17, styled *Angela Ellison v. Allstate Fire and Casualty Insurance Company*, currently pending in the 48th District Court, Tarrant County, Texas. Allstate removes the case to the U.S. District Court for the Northern District of Texas, Fort Worth Division. As grounds for removal, Allstate states as follows:

**I.
OVERVIEW**

1.1 This case involves a dispute over insurance benefits under a Homeowners policy of insurance issued by Allstate to Plaintiff Angela Ellison, for alleged storm damage to Plaintiff's home on March 16, 2016. (*See Plaintiff's Petition*). Plaintiff commenced this action, styled *Angela Ellison v. Allstate Fire and Casualty Insurance Company*, against Allstate by filing her Plaintiff's Original Petition on October 11, 2017 under Cause Number 048-295648-17 in the 48th District Court, Tarrant County, Texas. Plaintiff seeks to recover damages from the

Defendant in excess of \$100,000.00. Allstate was served with Plaintiff's Petition on November 1, 2017. Therefore, this Notice of Removal is timely filed under 28 U.S.C. § 1446(b). A true and correct copy of all process, pleadings, and the orders served upon Allstate in the state court action are being filed with this Notice as required by 28 U.S.C. § 1446(a), and are attached hereto as Exhibit "A".

II. DIVERSITY JURISDICTION

2.1 The District Courts of the United States have original jurisdiction over this action based on complete diversity of citizenship between the parties as contemplated by 28 U.S.C. § 1332(a). The Plaintiff is now, and was at the time the lawsuit was filed, a citizen and resident of the State of Texas. (*See* Plaintiff's Petition, page 1). Defendant Allstate is an Illinois Corporation with its principal place of business in Illinois. Accordingly, Allstate is a citizen of the States of Illinois and complete diversity exists.

III. REMOVAL PROPER

3.1 This Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1332(a)(1) as an action wholly between citizens of different states with the matter in controversy exceeding the sum or value of \$75,000.00, exclusive of interest and costs.

3.2 Under 28 U.S.C. § 1441(a), the removed action is proper in this Court as the district and division embracing the place where the state court action is pending.

3.3 Defendant Allstate, the removing party, will promptly give the parties written notice of the filing of this Notice of Removal as required by 28 U.S.C. § 1446(d). Allstate will promptly file a copy of this Notice of Removal with the clerk of 48th District Court, Tarrant County, Texas, where the action is currently pending, also pursuant to 28 U.S.C. § 1446(d).

3.4. Defendant hereby demands a trial by jury.

WHEREFORE, PREMISES CONSIDERED, Defendant Allstate Fire and Casualty Insurance Company, pursuant to these statutes and in conformance with the requirements set forth in 28 U.S.C. § 1446, removes Cause Number 048-295648-17, styled *Angela Ellison v. Allstate Fire and Casualty Insurance Company*, currently pending in the 48th District Court, Tarrant County, Texas to this Court for trial and determination.

Respectfully submitted,

STACY | CONDER | ALLEN LLP

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**ATTORNEYS FOR DEFENDANT
ALLSTATE FIRE AND CASUALTY
INSURANCE COMPANY**

CERTIFICATE OF SERVICE

On November 10, 2017, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ David G. Allen
David G. Allen